IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8097 OF 2005

Chandraban S. Sawant . .. Petitioner.

vs.

The Executive Engineer

& Ors. .. Respondents.

Mr. P.N. Patil for petitioner.

Ms. V.S. Mhaispurkar, AGP.for respondents.

CORAM : S.U. KAMDAR, J.

DATE : 1st December, 2005.

P.C.:

. The present petition challenges the order dated 19.9.2005 passed by the Special Land Acquisition Officer No. 3. By the said order, the Special Land Acquisition Officer has rejected the application for enhancement of the amount on the sole ground that the petitioner did not accept the amount of compensation under protest. However, the learned counsel for the respondents points out that in fact the application is beyond time as contemplated under section 18 (2) (b) of the Land Acquisition Act. However, that is not the ground

taken in the impugned order. In that light of the matter, the order dated 19.9.2005 is quashed and set aside and the matter is remanded back to the Collector for considering the issue of limitation and giving a finding whether the application was within time. If the application is within time then the Collector will pass appropriate order on the said application. Petition disposed of accordingly. No order as to costs.